IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Crl.MC.No. 3068 of 2007()

ST.552/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR

.....

PETITIONER:

SHEELA T.N., W/O.PRASANNAKUMAR,
CHAKKAMADATHIL HOUSE, ALUMPADI,
CHAVAKKAD.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:

---

1. SEVEN SEAS FINANCE (PVT) LTD.,
KOKKALAI, THRISSUR, REPRESENTED BY
MANAGING DIRECTOR, T.P.JAISON.

2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3068 of 2007

Dated this the 5th day of October, 2007

O R D E R

The petitioner, a woman, a member of the noble profession of law, faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Cognizance has been taken. The petitioner has not entered appearance before the learned Magistrate. Consequently coercive processes have been issued against the petitioner by the learned Magistrate. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing her.

2. According to the petitioner, she is innocent. Her absence earlier was not wilful. She is willing to settle the disputes and ensure that the complainant compounds the offence alleged against her. Three weeks' time is required to settle the disputes and report composition. In these circumstances, it is prayed that the warrant of arrest issued by the learned Magistrate against the petitioner may be kept suspended and the petitioner may be given opportunity to appear before the Magistrate and seek regular bail within such stipulated time.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned

Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. In the peculiar facts and circumstances of the case, I direct that the warrant of arrest issued against the petitioner shall not be executed till 19.10.07. The petitioner shall, in the meantime, appear before the learned Magistrate and seek bail. If the matter is settled before that, appropriate steps to report composition/withdrawal can be taken by the parties concerned.

(R.BASANT, JUDGE)

rtr/-